

# ISLAM

## HUMAN RIGHTS AND PUBLIC POLICY

David Claydon (Ed.)



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# Preface

In the course of regular informal discussions with Australian MPs, I have often heard them remark that as a group, Australian MPs in general tend to lack the kind of knowledge about Islam and Islamism that is necessary for well-informed considerations of relevant public policy. This book is a modest attempt to help fill the perceived information gap in this vitally important subject area.

I wish to thank each of our contributors from around the world for responding to the call. On editorial issues, the expert advice of John Arnold, Abdallah Bahri, Mark Durie and Paul Stenhouse is also greatly appreciated.

Needless to say, we have had to be very selective in our editorial decision-making. We make no pretence of an exhaustive treatment of this vast subject area. Nor do we pretend to any monopoly of wisdom. It is however our aim to highlight important issues that seem to us too often overlooked in many popular treatments that are widely distributed in Australia. We encourage everyone in public life to continue to read widely – and critically – in this field to further deepen their knowledge and understanding.

In addition to thanking our contributors, I also wish to acknowledge the encouragement we have received for this project from our publisher, Acorn Press. In particular, I thank Dr Kris Argall, Acorn's editor, for her detailed work with the text.

*David Claydon*

# Contents

Preface .....	iii
List of Abbreviations .....	vi

## Part 1: Introducing the Issues

1. Australian Public Policy: Examining the Foundations .....	Peter Day .....	3
2. The Hidden Currents of Western Responses to Islam .....	Mark Durie .....	29
Appendix: ‘The Pact of ‘Umar’ – from the Commentary of Ibn Kathir (d. 1373) .....		36
3. Human Rights in Jeopardy: A Cautionary Tale from the UK .....	Michael Nazir-Ali .....	39
4. Muhammad’s Life – The Fundamental Example .....	Mark Durie .....	51

## Part 2: Human Rights for the Whole Community

5. Human Rights, <i>Sharia</i> Law and the Western Concept of Democracy .....	Kit Wiley .....	61
6. The Question of Islamic Freedom .....	Elizabeth Kendal .....	81
7. Women in Islam – Status, Restrictions and Attitudes .....	Rosemary Sookhdeo ...	95

## Part 3: Violence and Peace

8. The Creed of the Sword .....	Mark Durie .....	115
9. Spreading Islam: Personal and Community Motivations for <i>Jihad</i> and Terrorism .....	John Azumah .....	125

## Part 4: *Sharia* and Islamisation

10. The <i>Sharia</i> – Islamic Law .....	John Azumah & Abdullah Bahri .....	139
Case Study: Amina Lawal and the Islamic <i>Sharia</i> .....	Mark Durie .....	148

11. The World of the <i>Fatwa</i> .....	Abdallah Bahri .....	155
12. Anti-Terrorism <i>Fatwas</i> and Pacts for Peace .....	Mark Durie .....	167
13. Eurabia – Europe’s Future? .....	Daniel Pipes .....	177
14. Aspects of <i>Sharia</i> Introduced into Non-Islamic States .....	Abdallah Bahri .....	183
Case Study: Ontario and Quebec, Canada – Muslims Rally against Islamists to Defeat <i>Sharia</i> .....	Elizabeth Kendal ...	192
15. Islamic Finance .....	Patrick Sookhdeo ...	197
16. <i>Hijra</i> – Migration – as a Contemporary Political Tool .....	Patrick Sookhdeo ...	207

## **Part 5: Dialogue and *Da’wa***

17. Ignoring Signposts on the Road: <i>Da’wa</i> – <i>Jihad</i> with a Velvet Glove .....	Paul Stenhouse .....	219
18. Religious Policy, Multi-Faith Dialogue and Australian Values .....	John Harrower .....	241

## **Conclusion**

19. Principles for Development of Public Policy .....	David Claydon & John Arnold .....	255
Significant Books .....		263
About the Authors .....		266
Glossary and Transliteration of Arabic Words .....		271
Index .....		276

PART 1

Introducing  
the Issues

## CHAPTER 1

# Australian Public Policy: Examining the Foundations<sup>1</sup>

**Peter Day**

*'The degree of thought control, of limitations on freedom of speech and expression [imposed by political correctness and multiculturalism] is without parallel in the Western world since the eighteenth century and in some cases longer than that.'*

Professor Bernard Lewis<sup>2</sup>

In 2004, the Australian Government produced a glossy promotional booklet on Islam – an 80-page presentation titled *Muslim Australians: Their Beliefs, Practices and Institutions*.<sup>3</sup> This booklet – commissioned, published and promoted by the Department of Immigration and Citizenship in partnership with the Australian Multicultural Foundation, and 'in association' with the University of Melbourne – may fairly be taken as representative of Australian government-sponsored educational efforts in relation to Islam.

In the Australian Parliamentary Library's 'E-Brief' on Muslims in Australia,<sup>4</sup> *Muslim Australians* is one of the most prominently featured publications recommended to interested inquirers.

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1 This chapter originally appeared as an article titled 'Islam in Australia', published in January 2009 by the Hudson Institute, New York, at [www.hudsonny.org](http://www.hudsonny.org).

2 Keynote address by Bernard Lewis, 'Studying the Other: Different Ways of Looking at the Middle East and Africa', to the Conference of the Association for the Study of the Middle East and Africa [ASMEA], Washington DC, 24–26 April 2008. This address can be viewed on the ASMEA website: [http://www.asmeascholars.org/index.php?option=com\\_content&view=article&id=19&Itemid=21](http://www.asmeascholars.org/index.php?option=com_content&view=article&id=19&Itemid=21).

3 Abdullah Saeed, *Muslim Australians: Their Beliefs, Practices and Institutions*, DIMIA & Australian Multicultural Foundation, Commonwealth of Australia, Canberra, 2004. (The Department of Immigration and Citizenship was then known as the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA).)

4 Janet Phillips, 'Muslim Australians', E-Brief, Parliament of Australia Parliamentary Library, 6 March 2007, viewed 2 December 2008, [http://www.aph.gov.au/library/INTGUIDE/SP/Muslim\\_Australians.htm](http://www.aph.gov.au/library/INTGUIDE/SP/Muslim_Australians.htm).

These typically include politicians, media, students and interested stakeholder institutions such as police forces. The publication is authored by perhaps the most high-profile Islamic Studies scholar in Australia: Professor Abdullah Saeed, the Sultan of Oman Professor of Islamic Studies and Director of the Centre for the Study of Contemporary Islam at Melbourne University. Professor Saeed is also Director of the Australian National Centre for Excellence in Islamic Studies – a joint initiative between the University of Melbourne, the University of Western Sydney (UWS) and Griffith University, funded by the Australian Government to the tune of \$8 million.

The wording of the title of *Muslim Australians* is somewhat misleading however: only a small part of this booklet is directly to do with Muslim Australians as such. Mostly, the booklet presents an overview of Islam in general. This includes Islamic beliefs, the historical beginnings of the religion, how Islamic teachings are or are not reflected in its history, and a more or less apologetic treatment of various controversial issues to do with Islam.

In light of the high current level of interest in international human rights and instruments for enforcing these, the booklet's treatment of the right of Muslims to leave Islam (apostasy) is perhaps the most timely topic to look at as an example of the booklet's overall approach to explaining Islam. This topic is dealt with in a section of the booklet headed 'Stereotypes and Misconceptions', where the proposition that 'People who leave Islam (apostates) will be killed' is listed as one of the 'misconceptions'. The text that addresses this explains Muslim teaching on the matter as follows:

From a religious point of view, the Qur'an stipulates that 'there is no compulsion in religion' (2:256), and a person can neither be forced to become a Muslim nor to stay in the religion.

It is also stated that

In the time of the Prophet, if a person left Islam because of their own religious choice, then in general there were no repercussions. This is because the Qur'an instructed the

Prophet that his duty was to preach the message of Islam but that 'If then they turn away, We have not sent thee as a guard over them. Thy duty is but to convey [the Message]'.<sup>5</sup>

It seems fair for a reader to conclude from this that Islamic teaching is summed up in the words given in the first quote, that 'a person can neither be forced to become a Muslim nor to stay in the religion.' But as it happens, the author of the booklet, Professor Saeed, is also co-author of a major book on this very topic, published in the same year as *Muslim Australians* – and this book takes a very different view. This book – titled *Freedom of Religion, Apostasy and Islam*<sup>6</sup> – is not promoted by the Government, does not feature in any Parliamentary Library e-briefs on Islam or Muslims, and appears to have been completely ignored by Australian reviewers in general. Even the fact that in 2008 the book was actually banned by Professor Saeed's native Maldives – the Muslim island nation in the Indian Ocean known to most Australians as a tourist paradise – has awakened no interest. Yet the explanation of Muslim teaching on apostasy presented here by Professor Saeed is of great interest. It is very different indeed to the impression left by the *Muslim Australians* booklet.

**'A highly significant book on freedom of religion by a leading Australian Muslim scholar has been virtually ignored.'**

Professor Saeed uses *Freedom of Religion* to present his case for 'rethinking' the Muslim position on apostasy. In the course of making his argument, he makes it perfectly clear that for the 'vast majority' of Muslim scholars, that position is that people who leave Islam should be killed. His personal view is that this position is not well founded in Islamic scriptures. But throughout his book, he treats it as an uncontroversial fact that the death-for-apostasy position – the position which he is arguing against as a reformist Muslim scholar – is the one that today holds sway in the Muslim world.

5 Saeed, op. cit., p. 72. (The Koranic reference to the second quote here is given in the text of *Muslim Australians* as 42:48.)

6 Abdullah Saeed & Hassan Saeed, *Freedom of Religion, Apostasy and Islam*, Ashgate Publishing, London, 2004.

Though this will not be news to other scholars of Islam, Saeed's book *Freedom of Religion* will be an eye-opener to anyone who has gleaned what they know of the religion from his *Muslim Australians*. For example, after surveying the gloomy status of freedom of religion in various Muslim states, Professor Saeed summarises the consensus position on apostasy among Muslim religious scholars as follows:

While there is general consensus that coercion should not be used to convert anyone to any religion ... the right of religious freedom is not extended to a Muslim who wants to change his or her religion to another.<sup>7</sup>

He goes on to tell us that, according to 'the majority of Muslim jurists', to flout the prohibition on leaving Islam 'is to commit the crime of apostasy, and a person so doing should be put to death.'<sup>8</sup>

Saeed does state at one point in *Freedom of Religion* that there is now 'a significant level of diversity among Muslim thinkers and scholars' on the issue. He immediately qualifies this however, with the observation that the 'pre-modern' position remains dominant:

... the vast majority of Muslim scholars writing on the issue of apostasy today follow the pre-modern position ... For those who follow the pre-modern position ... apostasy is prohibited and no Muslim is allowed to convert to another religion or commit any of the offences which would make them an apostate. Apostasy, for these scholars, is punishable by death.<sup>9</sup>

A few pages later in his book, Professor Saeed describes this death-for-apostasy position as 'largely unanimous'.<sup>10</sup> Among scholars who differ from this 'largely unanimous' view, Saeed includes those who merely argue for certain 'restrictions' on it – for example that punishment for apostasy should be carried out only by the state, and not by private individuals.<sup>11</sup> But Saeed tells us elsewhere in the

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7 *ibid.*, p. 19.

8 *ibid.*, p. 36.

9 *ibid.*, p. 88.

10 *ibid.*, p. 91.

11 *ibid.*, p. 90.

book that even this position

is weakened ... by the general belief that the apostate's life is of no value, and is therefore forfeit. Thus, if the apostate is killed by a private individual there are no repercussions for the killer. Nor does killing the apostate require redress or recompense.<sup>12</sup>

Based purely on the information presented in Professor Saeed's *Freedom of Religion* book, it is clear that the *Muslim Australians* booklet falls well short of an accurate presentation of contemporary Muslim teaching on this issue. That is to say, the booklet fatally confuses actual Muslim teaching on apostasy with what Professor Saeed believes Muslim teaching *ought* to be. (This kind of confusion also affects the treatment in *Muslim Australians* of other controversial topics, such as the nature of *jihād*.)<sup>13</sup>

On the question of current Muslim *practices* in respect of apostasy (as distinct from Muslim *teachings* on apostasy), the *Muslim Australians* booklet gives us the following account:

In the past, apostasy was often linked with state treason, and for that reason some Muslim rulers imposed the death penalty on apostates. Also, in some parts of the Muslim world today, the threat of punishment for apostasy exists and is often used as a political tool against people by their opponents.<sup>14</sup>

It is clear however from Professor Saeed's *Freedom of Religion* book, that both official and unofficial punishments for leaving Islam, including death, affect Muslims not just in 'the past' but now. He acknowledges that some Muslim countries today incorporate the death penalty for apostasy in their legal codes;<sup>15</sup> that in at least one country – Pakistan – blasphemy laws 'function like an apostasy law as far as Muslims are concerned';<sup>16</sup> and that in recent years

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12 *ibid.*, pp. 55–6.

13 To be entirely fair to Professor Saeed, he does state in a couple of sentences introducing the 'Stereotypes and Misconceptions' section of the *Muslim Australians* booklet that the responses given are 'how Muslims often respond to such misconceptions'.

14 Saeed & Saeed, *op. cit.*, p. 72.

15 *ibid.*, p.19.

16 *ibid.*, p.1.

**In some Muslim countries, the death penalty for leaving Islam is part of the legal code.**

‘a number of cases of apostasy that did not make international headlines were brought against converts, intellectuals, journalists and writers in a variety of Muslim nations ...’<sup>17</sup> Punishment for apostasy also appears to be much more pervasive in the Muslim world than is

suggested by the reference to just ‘some parts’ in *Muslim Australians*, as quoted above.

Professor Saeed shows in his *Freedom of Religion* book that the threat of punishment for apostasy is used not just as a ‘political tool’, but for much more fundamental reasons related to the history, psychology and anthropology of Muslim communities.<sup>18</sup> In a section on the ‘fear’ of apostasy in the *Freedom of Religion* book, Professor Saeed describes his own attempts to discover the specific reasons why some Muslims leave Islam today. Explaining why he has to resort to anonymous sources, he writes:

Because of the problematic nature of apostasy and its probable punishment, converts from Islam are highly cautious, particularly if they are living in Muslim communities. In order to explore possible reasons for conversion, it is therefore essential to find sources where converts can discuss their case freely without revealing their identity.<sup>19</sup>

Among cases involving prominent Muslim ‘apostates’, Professor Saeed notes in his book the example of the Ayatollah Khomeini’s notorious 1989 *fatwa* against the novelist Salman Rushdie for his novel *Satanic Verses*<sup>20</sup> (a *fatwa* recently re-affirmed by Khomeini’s successors and still supported by the offer of a substantial monetary reward for Rushdie’s murder). He also mentions the case of Taslima Nasreen, the internationally acclaimed Bangladeshi feminist writer, whose execution had been called for in numerous *fatwas* by Islamic religious leaders.

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17 *ibid.*, p.1.

18 *ibid.*, p. 119.

19 *ibid.*, p. 114.

20 *ibid.*, p. 101.

Since 2004, when Professor Saeed's book was published, many more *fatwas* have of course been issued seeking the deaths of prominent ex-Muslim writers and thinkers. For example, in the very same year that the book was published, the Somalian-born free-thinker and best-selling author Ayaan Hirsi Ali was forced into hiding and has had to live ever since under personal security arrangements. 'Ordinary' Muslim apostates, few of whom can afford such protection, must take their chances. *The Times* has reported on the existence of an extensive 'underground network' for Muslims in the UK who, for one reason or another, wish to leave Islam but face varying degrees of punishment as a deterrent, including a not insignificant risk of being killed.<sup>21</sup>

The recent results of a UK survey of young Muslims on the topic of apostasy represent perhaps the most startling example of a worsening trend on this issue among the younger generation. This poll, by a reputable polling company, showed that among UK Muslims aged between 16 and 24 years, no less than 36 per cent believed that 'Muslims who convert to another religion should be punished by death.' The figure for Muslims aged 55 or more was much lower, at 19 per cent, though of course still high enough to be of great concern.<sup>22</sup>

### **The human rights challenge**

The right to leave a religion, for whatever reason, is one of the world's most pressing human rights issues, affecting Muslims worldwide.<sup>23</sup> It is clear, if only from information presented in the book on this topic co-authored by Professor Saeed, that most current Muslim teaching and practice in this area is in direct contravention of both Article 18 and Article 19 of the Universal

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21 Anthony Browne, 'Muslim Apostates Cast Out and at Risk from Faith and Family', *The Times*, 5 February 2005.

22 Survey by Populus Ltd, July 2006 to January 2007. Full results at <http://www.populuslimited.com>. See Munira Mirza, Abi Senthilkumaran & Zein Ja'far, *Living Apart Together: British Muslims and the Paradox of Multiculturalism*, Policy Exchange, London, 2007, p. 47.

23 See for example the report by M. Durie on apostasy *fatwas* produced by the former Grand Mufti of Jordan, 'Apostasy Fatwas', Resources on "A Common Word Between Us and You", 18 February 2008, viewed 27 January 2009, <http://acommonword.blogspot.com/2008/02/apostasy-fatwas-and-common-word-between.html>).

**Western government agencies that are in denial about international human rights abuses discourage reformers and thwart the impetus to change.**

Declaration of Human Rights (UDHR), adopted and proclaimed at the UN over 60 years ago.<sup>24</sup> It is hard to see how any Western government that minimises or effectively denies (if only by omission) that there is any real problem in this area, can do other than discourage serious reformers in the Muslim world and thwart the impetus to change.

Among the member states of the Organization of the Islamic Conference (OIC) (the world's main representative body for Islamic states), there are many brave human rights NGOs. But the obstacles facing these reformers are formidable. Western academic institutions, often themselves the recipients of very substantial financial largesse from Middle Eastern powers, cannot be relied upon for support. In the prestigious, Cambridge-based *International Journal of Middle East Studies*, the scholar chosen to review the *Freedom of Religion* book by Professor Saeed and his brother curtly dismissed their arguments for a rethink of the apostasy laws, noting that 'all Muslim schools of thought have been in full and well-founded agreement' about this. 'What the Prophet says' about the treatment of apostates, chided this reviewer, 'cannot ... be simply ignored or wished away.'<sup>25</sup>

The reason the Maldives gave for banning the book was that it 'violates Islamic principles'. This was despite the fact that Hassan Saeed has been for some years a prominent figure in Maldivian

24 The UDHR, adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948. Article 18 reads: 'Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.' Article 19 reads: 'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.' Source: <http://www.un.org/Overview/rights.html>.

25 Review of Saeed & Saeed, *Freedom of Religion, Apostasy and Islam*, by Muddathir 'abd Al-rahim, in *International Journal of Middle East Studies*, vol. 37, issue 4, 2005, pp. 614–615.

government circles (and despite Abdullah Saeed's prominence as an Islamic scholar in Australia).<sup>26</sup>

Though a small country, the Maldives in fact rather neatly exemplifies current trends on human rights in the Muslim world generally. A revised Maldivian constitution was introduced in 2008 that for the first time makes it a formal requirement for all citizens of that country to be Muslims, and that explicitly subordinates all of its citizens' human rights to *Sharia*. Notwithstanding this, the Maldivian foreign ministry announced in December 2008 that it was joining other members of the United Nations in Geneva to commemorate the 60th anniversary of the UDHR. There the country's UN representative unblushingly stated: 'In today's Maldives, the ideals and principles contained in the Universal Declaration have found real-world form in our proud new Constitution ...'<sup>27</sup>

The ambassador also took the opportunity to note that his country was 'an active and vocal participant at the [UN] Human Rights Council.'<sup>28</sup> (When a Sri Lankan-based Maldivian publication had earlier asked Hassan Saeed whether he would advocate freedom of religion in the Maldives, Saeed reportedly said the issue was of 'very little relevance' as 'we do not have a non-Muslim population.')<sup>29</sup>

As in the Maldives, so elsewhere in much of the Islamic world: greater restrictions on freedom of thought and expression, including the continuing threat of punishment for apostasy; and greater enforcement of *Sharia*, accompanied by an ever more strident insistence that 'human rights' are being fully respected.

The trend at the time of the publication of the Saeeds' book was not towards reform, but towards a tightening of the laws against apostasy and greater zeal in implementing them. That trend has continued. In Malaysia – a country identified by the Saeeds in

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26 Judith Evans, 'Supreme Council Bans Hassan Saeed's Book', *Minivan News*, 18 June 2008.

27 'HRCM President Attends Universal Declaration of Human Rights Commemorations', media release, Human Rights Commission of the Maldives, 12 December 2008, viewed 2 January 2008, <http://www.hrcm.org.mv/news/HRCMPresidentAttendsUniversalDeclarationofHumanRightsCommemorations.aspx>.

28 *ibid.*

29 Judith Evans, 'IDP Calls For Ban On Hassan Saeed's Book', *Minivan News*, 15 May 2008.

2004 as providing an important indication of future trends in the 'moderate' Islamic world – secular courts have since then deferred to the rulings of *Sharia* courts on apostasy by Muslims.<sup>30</sup>

Egypt is another depressing bellwether. As Abdullah Saeed noted in his 2004 book,

accusations of apostasy in Egypt – which until recently was a haven for intellectuals, cultural activities and Islamic scholars – appear to have created a climate of fear for its intellectuals, literary figures and liberal Islamic scholars. Censorship of books, films, plays and television programs is on the rise, leading to a gradual stagnation of creative, intellectual and cultural work.<sup>31</sup>

**Pakistan continues to sentence people to death for 'blasphemy' – while leading the charge for global restrictions on criticising Islam ('Islamophobia').**

Iran and Pakistan are perhaps the most noteworthy and significant other examples. In September 2008, the Iranian parliament voted in favour of a draft bill imposing the death penalty on any male who leaves Islam.<sup>32</sup> Pakistan, which uses 'blasphemy' as a proxy for apostasy, continues to sentence people to death on this charge.<sup>33</sup>

Both these countries sit on the UN's preparatory committee that is laying the groundwork for 'Durban II' in Geneva in April 2009 – the big multilateral anti-racism conference at which all Islamic countries will be making a concerted effort to push through global restrictions on criticising Islam ('Islamophobia'), which is indeed an offence against 'human rights' as understood under *Sharia* principles.

30 For example, 'Religious Conversions: The Moment of Truth', *The Economist*, 26 July 2008.

31 Saeed & Saeed, op. cit., p. 106.

32 Alasdair Palmer, 'Hanged for Being a Christian in Iran', *Daily Telegraph*, 11 October 2008.

33 Associated Press, 'Pakistani Sentenced to Die for Blasphemy', ABC [US] News, 18 June 2008, viewed 2 January 2009, <http://abcnews.go.com/International/wireStory?id=5190374>. See also the monthly magazine, the *Pakistan Herald*, March 1993, pp. 72–73; For an article on the death of the Catholic Bishop of Faisalabad – John Joseph – over the 'death sentence by the blasphemy law', see the *Diocesan Centre Bulletin*, Pakistan, 6 May 1998, pp. 2–15.

What general public policy conclusions can be drawn from all this? A couple of years ago, Paul Kelly of *The Australian* noted some of the questions that Catholic Cardinal George Pell thought that non-Muslims in Australia could usefully discuss with Muslims, such as: How do Muslims interpret the Koran? What are their views about its invocations to violence? How does Islam relate to the secular state? And so on. One obstacle that Kelly noted about this type of question though, was that

Western progressive secularism is either hostile to religion or not interested in religion. As a consequence, progressive secularists deal with Muslims on every basis except the meaning of their religion. Slight problem.<sup>34</sup>

This has certainly been true in the past. However, for all the supposed no-nonsense, hard-nosed secularism of Australian public life, it is obvious that this is no longer the case. Taxpayer-funded government agencies spend significant amounts – often in ‘partnerships’ with Islamic groups – supposedly educating the Australian public about both the history and the actual belief content of a particular religion. The Government-produced *Muslim Australians* booklet is a representative example. This kind of officially sanctioned literature purports to educate all of us on religious issues related to Islam. Critics are not welcome.

Clearly, the problem here is not that government in Australia is steadfastly secular about religious issues. Rather, the problem is that government and government agencies, especially the Department of Immigration and Citizenship, have been actually promoting a form of partisan religious apologetics that serves not to enrich but to impoverish the quality of public discussion – and the public policy that inevitably flows from that.

**Some government agencies are promoting a form of partisan religious apologetics that is complicating sensible policy development.**

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34 Paul Kelly, ‘Live by the Word, Die by the Word’, *The Australian*, 23 September 2006.

The unstated policy seems to be to try to cement into place a kind of semi-official ‘acceptable opinion’ on what is in fact a minefield of contention – and a vitally important arena of ongoing scholarly debate and public policy development. The main driver of policy here appears to be not the encouragement of such debate and policy development, but a perceived need to combat ‘Islamophobia’ in all sectors of the Australian population. Even on its own terms, it is doubtful the policy works as intended. Its main premises deserve greater scrutiny than they usually receive.

### **Ideology and public policy**

In his book *People Like Us*, Waleed Aly, a prominent member of the executive committee of the Islamic Council of Victoria, quotes the American scholar Hamza Yusuf addressing a London Muslim audience in September 2005, as follows:

I don’t like the term Islamophobia, because a phobia is an irrational fear. I think many people have instead a rational fear of Islam and Muslims in that they have valid reasons to be worried.<sup>35</sup>

Aly comments: ‘It is difficult to disagree.’<sup>36</sup>

Well, Aly can say that. However, a vast quantity of Australian academic research is based on the assumption that any expressions of such fear by non-Muslim Australians is, *must be*, irrational – and racist. Not that Australians are necessarily being picked on. As the statement by Professor Lewis at the head of this chapter indicates, this kind of stifling assumption prevails to an unprecedented degree on campuses throughout the West.

The assumption is rarely questioned, but is accepted as a given, very often on the basis of little more than the theories of the late Edward Said, author of a famous 1978 book bearing the title *Orientalism*. It was in this book that Said, a literary critic of Egyptian-Palestinian background based at Princeton University in the US, popularised the dogma that ‘every European, in what he could say about the Orient,

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35 Waleed Aly, *People Like Us: How Arrogance is Dividing Islam and the West*, Picador, Sydney, 2007, p. 29.

36 *ibid.*

was ... a racist, an imperialist and almost totally ethnocentric.<sup>37</sup> Sometimes described as the father of postcolonial studies, Said himself drew on the speculations of other radical theorists, notably Antonio Gramsci and Michel Foucault.<sup>38</sup> Built into his argument was the notion of Islamic Middle Eastern peoples as the cultural 'other' to whom anyone of European background could not help but bring a legacy of patronising cultural domination.

Said's theories have been subject to withering criticism over the years from serious scholars of widely differing political affiliations.<sup>39</sup> Yet since its publication 30 years ago, the influence of *Orientalism* in Australian and other Western universities has been perhaps

**The 'Orientalism' theories of Edward Said have been subject to withering scholarly criticisms.**

greater than that of any other book published over this period. This influence is also pervasive in the world of journalism.<sup>40</sup> In Australia, most of the large volume of locally produced academic literature that has appeared in recent years on racism, stereotyping, 'othering' and so on explicitly acknowledges the inspiration of Said's *Orientalism*.

The difficulty for all such sweeping theories is that the empirical evidence that might confirm them is lacking. Said dealt with this by substituting 'representations' of nefarious attitudes in literature,

37 Edward Said, *Orientalism*, Routledge and Kegan Paul, London, 1978, pp. 203–4.

38 Foucault, a late twentieth-century radical cultural critic, argued that power and domination were built into the structure of language itself. Said thought that Foucault's ideas were congruent with those of Gramsci, an Italian revolutionary of the 1920s and 1930s, who posited that that ruling class 'hegemony' was maintained through cultural means (thus assigning an important revolutionary role to writers, artists, academics, journalists and the like).

39 For examples of such criticism, see Robert Irwin, *For Lust of Knowing: The Orientalists and Their Enemies*, Penguin, London, 2007; Martin Kramer, *Ivory Towers on Sand: The Failure of Middle Eastern Studies in America*, Washington Institute for Near East Policy, Washington DC, 2001; and Ibn Warraq, *Defending the West: A Critique of Edward Said's Orientalism*, Prometheus Books, Amherst NY, 2007. Chapter 2 of Kramer's book, 'Said's splash', is at <http://www.geocities.com/martinkramerorg/SaidSplash.htm#ref11>.

40 Peter Manning for example, a former head of both ABC and Network Seven's News and Current Affairs, as well as Adjunct Professor of Journalism at Sydney's University of Technology, is a well known advocate of Said's ideas. As he told the Australian Arabic Council in March 2005, Said was a 'major thinker of extreme relevance to us right now'. (Address to Australian Arabic Council (AAC), Extract in AAC newsletter, *Arabalia* 32, Autumn 2005.)

movies and the media. As the Syrian critic Sadak Jalal al-'Azm perceptively observed, for Said, representation seemed more real than reality.<sup>41</sup>

An illuminating example of efforts to indict Australia in this way is a 1998 book called *White Nation* by Ghassan Hage, still very popular on university reading lists. Hage acknowledges Said, while drawing more heavily on other fashionable theorists such as Pierre Bourdieu, Jacques Lacan and Slavoj Zizek. Hage explains that whereas Said deals with *externally* exercised imperialism, he, Hage, is concerned in Australia with 'a national reality delineated by a discourse of *internal* orientalism.'<sup>42</sup> In his assessment of the research in the book that supposedly underpins Hage's elaborate theorising, Bob Gould – a veteran Sydney radical – pinpoints its shortcomings. Gould notes that although Hage

painstakingly describes the large number of interviews conducted by his team ... it's all window dressing ... He nowhere gives any statistics or breakdown of what proportion of the interviewees had different views on anything ... He selects from this pool of interviews only those that suit his purpose of constructing a totally white racist model of Australian society. He takes the most extreme interviews, or the interviews that most suit his already constructed model, and uses them to illustrate his point of view ... The interviews are carefully selected and then used as objects for cultural criticism and deconstruction, within the framework of Hage's already preconceived intellectual arrangement.<sup>43</sup>

In much academic literature, such more or less endless theoretical elaborations on the theme of Australian racism go hand-in-hand with research purporting to show that the principal 'other' in Australia – the adherents of Islam – are in general suppressed and threatened on a large scale. Hage's book adopts this approach, going so far as to actually equate the historical treatment of non-Muslim minorities of Jews and Christians – so-called *dhimmi* minorities – in

41 Quoted in Irwin, op cit., p. 299.

42 Ghassan Hage, *White Nation: Fantasies of White Supremacy in a Multicultural Society*, Pluto, Sydney, 1998, p. 17.

43 Bob Gould, 'Deconstructing Ghassan Hage', *OzLeft*, 4 June 1999.

traditional Islamic societies, with the treatment of minorities in multicultural Australia.

To this end Hage first describes some of the standard officially imposed humiliations and discriminatory measures that *dhimmi*s suffered over the centuries under Islam, concluding with the observation that in addition, they ‘had to suffer in certain circumstances from what Maxime Rodinson describes as “outbreaks of intolerance on the part of the Muslim mob”.’<sup>44</sup> (Such outbreaks are still of course to be observed, for example, in the frequent violent attacks on Copts and their churches and monks by Muslim mobs acting more or less with impunity in Egypt.)<sup>45</sup> But it is at this point that Hage adds the following remarkable sentence: ‘The same kind of “outbreaks of intolerance” have also been a permanent feature of Australia’s multicultural society.’<sup>46</sup> No evidence is offered to justify this allegation, which, if it were not so obviously silly, could fairly be described as a grotesque libel on Australia as well as an insult to the memory of numberless *dhimmi* victims over the centuries. Yet amid the fulsome praise for Hage’s book in academic journals, it appears to have attracted no criticism at all. (Hage is currently the ‘Future Generation Professor of Anthropology and Social Theory’ at the University of Melbourne.)

### **The search for evidence**

Of course, one can always find instances of racist prejudice, if one looks for it, in Australia as elsewhere. Australia after all is not utopia, even if it does come closer to it than most other places. One favoured technique for gathering evidence of racism in Australia is the collection of anecdotes at focus groups and ‘community forums’. Even one person’s account of a hostile act in the street or in a shop

***In open ‘community’ forums, participants are subject to the influence of dominant or intimidating personalities.***

44 Hage, op cit., p. 81.

45 See, for example, Hugh Miles, ‘Coptic Christians Attacked in Churches’, *Telegraph* (UK), 15 April 2006, viewed 2 January 2009, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/egypt/1515829/Coptic-Christians-attacked-in-churches.html>.

46 Hage, op cit., p. 81.

carries weight. However, determining how representative such anecdotes are is another issue – as are methodological inadequacies arising from the absence of anonymity in such discussions, and the susceptibility of participants to the influence of dominant or intimidating personalities.

This point is well illustrated in a recent report by Anne Aly, a Muslim post-doctoral research fellow at Edith Cowan University, on Australian Muslim responses to the media ‘discourse on terrorism’.<sup>47</sup> For her study – based on doctoral research funded by an Australian Research Council Discovery Grant – Ms Aly explored the attitudes of Australian Muslims in 10 focus groups with 150 participants. It should be noted that Ms Aly herself clearly identifies with the predominant academic view in this field, repeating, for example, in an extended introduction, the standard tropes that the media is guilty of ‘constructing’ Muslims as ‘a homogeneous monolith’; ignoring diversity; spreading ‘negative stereotypes’ about Muslims as an antagonistic ‘other’; and so on.

Turning to the results emerging from her focus groups, she reports a general Muslim perception that the Western media is a ‘complicit and crucial actor in [a] conspiracy to destroy Islam.’ Many of the Muslim participants therefore turned to ‘alternative media discourses that substantiate victimhood ...’, and for the majority, these were ‘Arab media, the internet and conspiracy theories ...’ Ms Aly then reports that ‘In focus groups, individuals who hinted that Muslims may in fact be involved in terrorist activities were immediately overruled by other members of the group.’ She relates one such over-ruling:

In one focus group of Muslim men for example, a younger participant suggested that Muslims should not ‘put all the blame on the media. We should put part of the blame I think on us as well because lots of people are fighting in the name of Islam’. He was quickly challenged by an older participant who insisted that Muslims were not to blame and that the media was influencing people to believe that Muslims were

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<sup>47</sup> Anne Aly, ‘Australian Muslim Responses to the Discourse on Terrorism in the Australian Popular Media’, *Australian Journal of Social Issues*, vol. 42, no. 1, 2007, pp. 27–40.

responsible for terrorism. Each time the younger participant raised global events in which Muslims were implicated as the aggressors such as the genocide in Darfur, the Iraqi occupation of Kuwait and attacks on the Kurdish people at the hands of Saddam Hussein, he was challenged by the older participant to provide evidence ...

An especially influential example of the kind of search intended to produce community anecdotes of anti-Muslim prejudice is a 2004 report from the Australian Human Rights Commission (HRC) – then known as the Human Rights and Equal Opportunity Commission (HREOC). The research behind this report also relies heavily on the open forum or community ‘consultation’ approach. The report bears a mixed-alphabet title, *Ismaε*, meaning ‘Listen’, and a subtitle reading: ‘National Consultations on Eliminating Prejudice Against Arab and Muslim Australians.’<sup>48</sup>

The report’s findings have certainly been taken seriously. They provide the rationale behind a number of government-funded publications and other campaigns and anti-Islamophobia ‘initiatives’ spearheaded by the HRC, with the backing of other important parts of the Federal Government such as the Department of Immigration. According to the HRC itself, it is explicitly on the basis of the *Listen* report that police forces and other public stakeholders have become involved in literally scores of workshops, training sessions and other ongoing programs and initiatives to assist Muslim communities, including media training and other activities aimed at ‘educating’ non-Muslim Australians about Islam. For all these reasons, the empirical foundations behind the findings of the report deserve more impartial scrutiny than they appear to have so far received.

For example, to undertake ‘empirical and qualitative research’, including interviews arising from questionnaire returns, the HRC commissioned an ‘independent empirical research’ team from the Centre for Cultural Research at the UWS. This was ‘to obtain a

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48 *Ismaε: National Consultations on Eliminating Prejudice Against Arab and Muslim Australians*, HREOC, Canberra, 2004. This is one of the two key documents highlighted in the Federal Parliamentary Library E-Brief (the other being Professor Saeed’s *Muslim Australians*).

more comprehensive picture of the nature and extent of unreported incidents of discrimination and vilification ...'<sup>49</sup> For anyone attempting to assess the outcomes and overall quality of the HRC research, the assumptions that this external research team brought to the task are obviously of interest. The assumptions of the HRC that are revealed in the selection of this group are also of interest, especially in trying to understand the kind of ideological baggage that may be weighing on public policy around this issue.

In fact, at the time of their commissioning by the HRC, the UWS team possessed a well-known ideological profile. About four months previously, the team's 'chief investigator/team leader,' a then-UWS academic named Scott Poynting, had very publicly taken to task David McKnight, a well-known Sydney academic and author with a left-wing background, for making public comments in support of some ASIO anti-terrorism raids.<sup>50</sup>

Writing in the left-wing journal *Arena*, Poynting assailed McKnight – 'he ought to know better' – for not understanding that

the suppression of 'terrorists' serves an important function in the maintenance of the prevailing hegemony, just as did the repression of 'communists' and their 'fellow travellers' during the Cold War.

He offered his opinion in the same piece that Australia was 'yapping like a terrier at the heels of our great and powerful superpower master.'<sup>51</sup>

This was entirely consistent with Poynting's previous publication record. About a year before his commissioning by the HRC for the *Listen* report, he had authored a journal article bearing the title 'Bin Laden in the Suburbs', which laid out his ideological approach.

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49 *Ismaç*, op. cit., p. 29. The UWS team's report to the HRC is titled 'Living with Racism: The Experience and Reporting by Arab and Muslim Australians of Discrimination, Abuse and Violence since 11 September 2001'. Scott Poynting was the 'chief investigator/team leader', and Greg Noble 'co-chief investigator'. It was reportedly delivered to the HRC in April 2004.

50 David McKnight has since developed a higher profile, after Prime Minister Kevin Rudd drew upon his writings in support of his broad political positioning. See for example Kevin Rudd, 'Howard's Brutopia: The Battle of Ideas in Australian Politics', *The Monthly*, November 2006.

51 Scott Poynting, 'Weapons of Mass Deception', *Arena*, December 2002.

To Poynting, reported attacks against Australian Muslims during the Gulf War were not just deplorable criminal assaults – they were events which condemned Australians generally as selfish, materialistic racists. Labor PM Bob Hawke was not spared. Poynting wrote:

It was as if, as Ghassan Hage has recently put it, there were now manifold ‘borders’ internal to the nation rather than around its edges to be patrolled against the non-Christian, non-western, ‘third-world looking’ outsiders who might endanger the good life from within (Hage 1998, 2002). The Prime Minister’s appeal during the Gulf War for ‘us’ to be ‘tolerant’ only served to underline who was in a position to tolerate and who was to be magnanimously tolerated (or not) (Hage 1991).<sup>52</sup>

Two years later – around the same time as the appearance of the *Listen* report – *Bin Laden in the Suburbs* became the title of a book co-authored by Poynting. (Another co-author of this book, Greg Noble, was ‘co-chief investigator’ for the *Listen* report research team appointed by the HRC. The Foreword was by Ghassan Hage.) Like countless other such books, *Bin Laden in the Suburbs* expressed an intellectual debt not only to Edward Said, but also to Antonio Gramsci, the Italian communist revolutionary of the 1920s and 1930s.

The authors here tell us that they analyse the situation of young, male, second-generation Arabic-speaking immigrants in Australia by using the class concept of ‘hegemony’, as developed by Antonio Gramsci in his *Prison Notebooks*. This they define as

a form of class domination through a political-cultural alliance of ruling class fractions, in which the ruling class secures a decisive measure of consent by the subaltern classes to their own domination.<sup>53</sup>

The UWS authors then elaborate on that definition to include all of society’s institutions – schools, the media, the police, the legal

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52 Scott Poynting, ‘Bin Laden in the Suburbs: Attacks on Arab and Muslim Australians before and after 11 September’, *Current Issues in Criminal Justice*, July 2002.

53 Scott Poynting, Greg Noble, Paul Tabar & Jock Collins, *Bin Laden in the Suburbs: Criminalising the Arab Other*, The Sydney Institute of Criminology, Sydney, 2004, p. 81.

**According to researchers commissioned by the HRC, almost all of society's institutions are instruments of ruling class oppression.**

system, and so on – as instruments of ‘ruling class’ oppression.<sup>54</sup>

In an interview with the weekly *Green Left* magazine on the release of the book, Poynting expanded further on the analysis, explaining that ‘the continual manufacturing of fear’ could be ‘counterproductive for particular coalitions of class fractions inside the ruling class ...’ He added, however, that ‘all that means is that the relations of forces change and a new coalition of fractions of capital will come forward.’<sup>55</sup>

It is hard to see how any of this would actually help these authors understand those Muslim Lebanese youth who are the subject of their analysis, suffering as they do from extremely high rates of unemployment and other forms of social dysfunction. It is also hard to see how any youthful subjects they were interviewing for the HRC could be assisted by a Gramscian understanding of themselves as victims of the ruling class. It might serve the revolution, but it does seem unlikely to be helpful to them.<sup>56</sup>

In any event, the HRC research process began with 69 mainly Muslim community forums – or ‘consultations’ – on discrimination, prejudice and so on, conducted by the Commission itself around the country. According to the HRC, 1426 people came forward to participate in these forums. A similar number of questionnaires – 1475 – were subsequently distributed, asking for responses to 25 ‘multiple-choice and open-ended questions about people’s experiences and responses to racism, abuse and violence.’<sup>57</sup>

Significantly, the HRC questionnaires were issued not to randomly selected individuals, but for distribution ‘through

54 *ibid.*, pp. 81–82.

55 ‘Scott Poynting: Racism, Arabs and the Media’, *Green Left Weekly*, 3 November 2004. (‘Fractions of capital’ is old Marxist terminology meaning ‘different groups of the ruling class’.)

56 Scott Poynting has now moved on to the UK, where he is Professor of Sociology at Manchester Metropolitan University.

57 *Ismaʿ*, *op cit.*, p. 2.

community organisations and mosques'.<sup>58</sup> In a reported comment in the endnotes of *Listen*, it is apparent that at some point the Survey Research Centre of the School of Population Health at the University of Western Australia was asked its opinion on the survey. The Centre's observation, as reported in the HRC endnote, was that

as the survey was not random, as it was distributed through Arab and Muslim community organisations, this may have impacted on the likelihood that certain kinds of individuals would respond to the written survey.<sup>59</sup>

Just so.

From this self-selecting group, the research team would certainly have been entitled to expect a high level of response. However, of the 1475 questionnaires, a mere 186 were returned – a response rate of just 12.6 per cent. And out of this group of 186, only 34 finally took part in the UWS team's 'open-ended semi-structured interviews ...'<sup>60</sup>

In the context of an attempt to measure perceptions of racism, prejudice and discrimination across a significant, Australia-wide population subset such as Australian Muslims, there is of course not a great deal to be said for a survey of 186 self-selecting individuals. Even so, it may be worth noting that even of these 186 questionnaire respondents, the vast majority – 70 per cent, according to the relevant end-notes – reported personally experiencing no increase at all in racism, abuse or violence since 11 September 2001, or just 'a bit' of an increase.<sup>61</sup>

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58 *ibid.* (Why 1475 questionnaires were distributed, rather than some other number, is not explained. Curiously however, this was almost exactly the same number as the 1426 people who had come forward to participate in mainly Muslim community forums on discrimination, prejudice and so on, which were conducted by the Commission itself around the country. In all, there were 69 such 'consultations'.)

59 *ibid.*, footnote 8, p. 38.

60 *ibid.*

61 *ibid.*, p. 46 and endnote 29, pp. 70–71. It is stated here in the report that 'about one third' of all survey respondents reported that 'they had not personally experienced racism, abuse or violence since 11 September 2001', nor had they 'experienced any increase' in these events since September 2001. Another group of 'about one third' – 36 per cent according to the relevant endnote – reported that they had experienced 'a bit' of an increase in prejudice against Muslims.

It is also striking that 64 per cent of the respondents reported ‘a lot more’ discrimination and vilification directed *at their community*.<sup>62</sup> In other words, the proportion who believed that their community had experienced a lot more racism-related incidents in recent years was about double the proportion who reported such increase occurring to them *personally*.

The UK broadcaster and writer Kenan Malik makes a salient comment on this kind of survey discrepancy. ‘Three years ago,’ says Malik,

**Excessive focus on ‘Islamophobia’ is creating a dangerous culture of victimhood.**

I made a TV documentary in which I asked dozens of ordinary Muslims across the country about their experience of Islamophobia. Everyone believed that police harassment was common though no one had been stopped and searched.

Everyone insisted that physical attacks were rife, though few had been attacked or knew anyone who had. What is being created here is a culture of victimhood in which ‘Islamophobia’ has become one-stop cause of the myriad problems facing Muslims.<sup>63</sup>

## Public choice and ideological alliances

The UWS team report incorporated in the HRC’s *Listen* document interpreted the low response to their questionnaire as an indication that Muslim communities were so paranoid that they were even afraid of communicating with the team: ‘It is likely,’ they wrote,

that some of the very same phenomena that we were investigating in relation to under-reporting of racism, that is wariness of the state and lack of trust in its authorities, militated against higher response rates for the survey.<sup>64</sup>

How they determined that this explanation was ‘likely’ is unclear. Some Muslims had apparently changed their mind about

62 *ibid.*, p. 47

63 Kenan Malik, ‘Islamophobia and Islamophilia’, *Weltwoche*, 28 February 2008.

64 *ibid.*

volunteering for interviews with the UWS team. The UWS team explained that they had been told that

despite their respect for the researchers and their appreciation of the research, and notwithstanding the anonymity, the level of state surveillance and intervention in their lives left them fearful of negative repercussion.<sup>65</sup>

Again, no evidence is produced to support the statement.

Does any of this matter? Well, consider the response to a July 2007 report into radicalisation among young Muslims in Sydney's southwest, by Muslim researcher Mustapha Kara-Ali. According to the Kara-Ali report, up to 3000 young Muslims are at risk of radicalisation.<sup>66</sup> However, Irfan Yusuf, a Sydney Muslim commentator, was among those who more or less dismissed the findings of the report on the grounds that it was based on inadequate research. 'His research methodology,' Yusuf wrote of Kara-Ali,

consisted of focus groups and discussions with 200 young Muslims and a number of imams. How were these people chosen? Which ethnic, sectarian or other backgrounds were these people from? From which parts of Australia?<sup>67</sup>

Reasonable questions, for the most part – but Kara-Ali's 200 young Muslims, plus the imams he interviewed, amounted to a lot more people than the 'independent empirical research' team commissioned by the HRC could manage to talk with for the HRC's *Listen* report – or even obtain questionnaire returns from.

Apart from the more technical issues, the HRC's choice of an ideologically committed group such as the Poynting-led UWS team for research into Muslim opinion in Australia was surely imprudent. Or so you might think. But like the overall findings, this was accepted virtually without question or comment by anyone. An exception was the left-wing Melbourne commentator Robert Manne, who did remark on the possibly unsatisfactory nature of

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65 *ibid.*

66 'Jihad Threat Report Biased: Muslim Students', ABC News, 2 July 2007, viewed 2 December 2008, <http://www.abc.net.au/news/stories/2007/07/02/1967438.htm>.

67 Irfan Yusuf, 'Too alarmed to be alert', ON LINE opinion.com.au, 16 July 2007, viewed 2 January 2009, <http://www.onlineopinion.com.au/view.asp?article=6099>.

the UWS 'independent' research – if only in passing: 'I must admit,' he wrote in *The Monthly*, 'to scepticism about advocacy scholarship of this kind,' quickly adding that many of the actual incidents reported 'had about them the ring of truth.'<sup>68</sup> This is so – many of the individual anecdotes in the HRC *Listen* report, especially about abuse in the streets and other forms of casual incivility after September 11, are indeed convincing. But if research into such phenomena is worth doing, and it surely is, it is worth doing well – that is, with unimpeachable professionalism and impartiality.

The application of a little rigorous public choice theory here would also not go astray. A large discount must be made for the HRC's bureaucratic interest in presenting 'Islamophobia' as a social pathology that would spiral out of control were it not for untiring interventions of ... the HRC.

The operating alliances that seem to have been formed by the HRC with radical academic ideologues on the one hand, and narrow community leadership groups on the other, must reflect in part the strength of the bureaucratic interest in magnifying the day-to-day frictions that are part and parcel of democratic life. Unfortunately, this kind of magnification may not be entirely harmless. Malik again puts the problem well:

... what all the available evidence suggests is a huge gap between perception and reality, a gap that has been skilfully exploited by Muslim leaders. Inflating the threat of Islamophobia helps community leaders to consolidate their power base, both within their own communities and within wider society. The more that the threat of Islamophobia is exaggerated, the more that ordinary Muslims come to accept that theirs is a community under constant attack. It helps create a siege mentality, stoking up anger and resentment, and making Muslim community more inward looking and more open to religious extremism.<sup>69</sup>

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68 Robert Manne, 'Yes, Virginia, There is a Clash of Civilisations: Islamism, Islamophobia and Australia', *The Monthly*, August 2006.

69 *ibid.*

It should be clear that excessive fear of Islamophobia is a poor foundation for the development of public policy in any field. And it is an especially poor foundation for the development of the sound knowledge bases – whether they are in human rights or national security – on which sound policy ultimately depends.